

YEAR END STATISTICS

CHAPTER 5

Illustration 5A: Complaints by Different Classifications

Type of Complaints	IPA Intake	PSCU Intake	Total Cases
Formal: Citizen-Initiated (CI)	77	122	199
Formal: Department-Initiated (DI)	0	30	30
Informal (IN)	16	45	61
Policy (PO)	6	12	18
Procedural (PR)	12	29	41
Subtotal	111	238	349
No Boland (NB)	15	19	34
Inquiry (IQ)	103	333	436
Total Cases in 1999	229	590	819

Please note a No Boland is a withdrawn complaint or a case in which the complainant decided not to sign the Boland Admonishment, which is a state required form. An inquiry is a contact that doesn't rise to the level of a complaint or a citizen contact logging inquiries of an event that is unrelated with the San José Police Department.

The Office of the Independent Police Auditor (IPA) and the San José Police Department's Professional Standards and Conduct Unit (PSCU) are separate offices available for the public to file complaints against members of the San José Police Department (SJPD).

This chapter will discuss the complaints received from January 1 through December 31, 1999. The subsequent chapters will discuss the allegations in these complaints, the findings,

and the discipline imposed. The IPA reports the year end statistics of complaints in various ways that may be of interest to the public, the Mayor, and members of the City Council. The IPA's analysis are only statistical and not interpretive. There are too many factors to conclusively deduce specific results from the data.

As of January 1, 1999, all data is stored in an Oracle Software database. This database system was recommended in the 1996

IPA Midyear Report. The objective is to view all information on a real time basis and to track all incoming calls accurately. Additionally, the Oracle database is protected to keep the files confidential.

Illustration 5A shows a breakdown of the total number (819) of cases received from January 1 through December 31, 1999 by the type of complaint and by the office the complaint was filed at.

A complaint is an allegation by a member of the public that accuses the SJPD or one of its members of wrongdoing. The allegation must involve a violation of law or a SJPD policy or procedure. A complaint involves an administrative process where discipline may be imposed by the SJPD and must not be confused with criminal charges which are filed by the District Attorney's office.

There are six classifications of

complaints⁹: Formal, Informal, Policy, Procedural, No Boland, and Inquiry. A **Formal** complaint may be citizen-initiated (CI) or department-initiated (DI), which is a complaint initiated by the Chief of Police. An **Informal** complaint involves allegations of minor transgressions. An Informal complaint is handled by bringing the matter to the attention of the subject officer's supervisor. A **Policy** complaint relates to an established policy, properly employed by the officer, which the complainant believes to be inappropriate or invalid. A

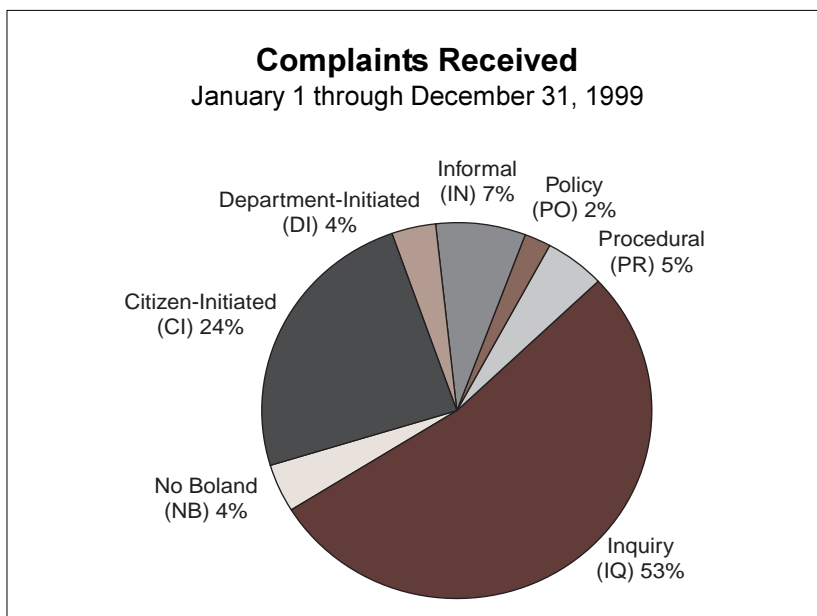
Procedural complaint is a complaint lacking a factual basis to support the allegation of misconduct. A **No Boland** complaint is a complaint that is closed within 30 days from the date the complaint was received due to the complainant failing to sign the Boland Admonishment¹⁰. State law requires that the complainant sign a Boland Admonishment form in order to have the complaint fully investi-

gated. An **Inquiry** refers to any contact with a citizen in reference to any issue of concern that is immediately resolved to the satisfaction of the citizen, which does not give rise to a complaint. Any concern that is not immediately resolved to their satisfaction, can become a complaint.

The reasons for classifying the complaints into different types are: (1) to streamline the investigation process so that the cases that do not require a full investigation are resolved sooner while

the cases requiring more time are given appropriate time to investigate; (2) to track Formal, Informal, and Procedural complaints by officers' names as part of an "Early Warning" system that identifies those officers qualifying for Intervention Counseling and to comply with motions for discovery in criminal and civil proceedings; and (3) to identify patterns or trends so that recommendations can be made to change the existing policy or procedure in the department.

Illustration 5B: Percentage of Complaints Received by Classification



⁹ See Appedix A (Classification of Complaints).

¹⁰ See Appendix B (Boland Admonishment).

Illustration 5C: Five Year Analysis of the IPA Intake

Intake Received	Time Period				
	1995	1996	1997	1998	1999
IPA Cases	95	154	127	249	229
PSCU Cases	361	453	319	500	590
Total Cases Received *	456	607	446	749	819
Percentage of IPA Received **	25%	29%	34%	37%	29%

* Note: The total cases received for the year 1998 and 1999 include the Inquiry cases.

** Note: The percentage of the intake conducted by the IPA is calculated by dividing the IPA cases to the total cases received in 1999, excluding the Formal DI cases, which are initiated by the Chief of Police.

Illustration 5B shows the percentage of complaints that was received from January 1 through December 31, 1999 for each type of complaint. The largest percentage (53%) of the calls were handled as inquiries. The most serious complaint and the

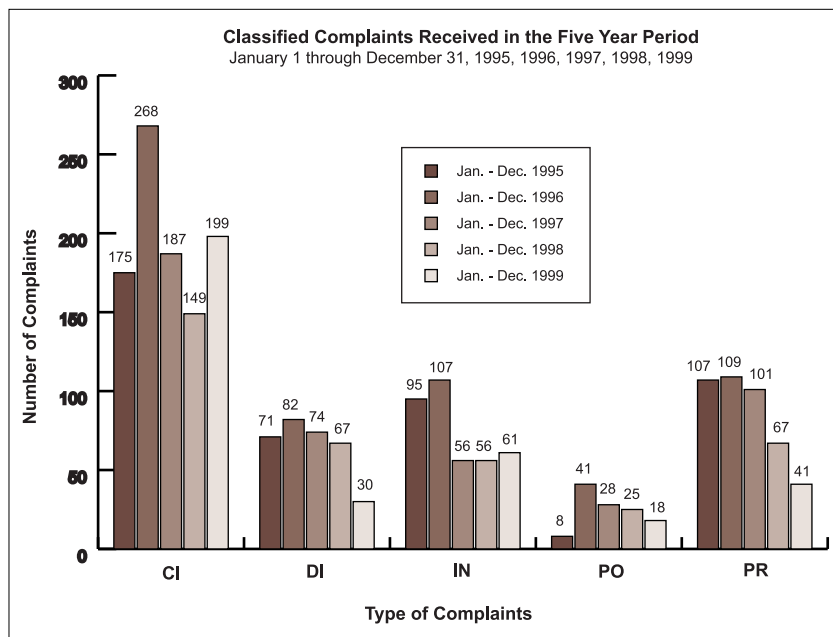
second highest (28%) type of complaint received in 1999 are the Formal CI and the Formal DI cases.

Illustration 5C reflects the complaints received from January 1 through December 31 for the

year 1995, 1996, 1997, 1998, and 1999 at the IPA and the PSCU offices.

In 1999, the IPA received 229 cases while the PSCU received 590 cases. The total cases received for this year is 819. The total number for 1998 and 1999 include Inquiry cases, which is why the numbers are higher than the prior years. Not only the total number of cases decreases in comparison to 1998, the percentage of cases received by the IPA office dropped eight percent from 1998.

The percentage of the complaints filed at the IPA office is calculated by dividing the total number of

Illustration 5D: Five Year Analysis of Complaints by Classification

1995 Complaints = 456 1996 Complaints = 607 1997 Complaints = 446 1998 Complaints * = 364 1999 Complaints * = 349

Formal: CI = Citizen-Initiated & DI = Department-Initiated, IN = Informal, PO = Policy, PR = Procedural
 * Please note that the total for the 1998 complaints do not include the 385 Inquiry cases.
 * Please note that the total for the 1999 complaints do not include the 34 No Boland cases and the 436 Inquiry cases.

complaints (229) by the total number of complaints (819) received in the year 1999, minus the Formal Department-initiated (30) cases. $[229 / (819 - 30)] = 29\%$. The Formal DI cases are excluded from the calculation because those cases are initiated by the Chief of Police, only.

Illustration 5D looks at the different types of complaints in a five year period, starting with January 1 through December 31 for the year 1995, 1996, 1997, 1998, and 1999. All types of complaints received over five years have decreased, except for Formal Citizen-Initiated and Informal complaints.

TIME TO CLASSIFY AND COMPLETE ALL INVESTIGATIONS

The Professional Standards and Conduct Unit (PSCU) is respon-

sible for classifying all complaints. The time to classify a complaint is determined by the number of days it takes from the date the complaint is received to the date when the complaint is assigned to a PSCU investigator.

The goal is to have all complaints classified within 30 days.

The length of time to complete an investigation is calculated by the number of days it takes from the assigned date of the complaint until the investigation is completed. A case is considered closed when a finding is made or when no finding is possible for one of the following reasons:

- Lack of signature on the Boland Admonishment,¹¹
- Officer resigned from the SJPd before the investigation was completed,
- Complainant was uncooperative,

Time to classify

Number of days from the Received Date to the Assigned Date.

- Complainant withdrew the complaint,
- Unable to contact complainant or witness, or
- The identity of the officer could not be determined.

The goal is for an investigator to complete an investigation within 300 days, except in cases where a Class I Unnecessary Force¹² allegation is involved. The goal for Class I use of force cases is to have the investigation completed within 180 days.

Time to investigate

Number of days from the Assigned Date to the Closed Date.

¹¹ State law requires that the complainant sign the Boland Admonishment form in order to have the complaint fully investigated.

¹² In the 1996 Year End Report, the IPA implemented new goals for alleged use of force complaints. The use of force complaints are divided into two categories: Class I and Class II. Class I use of force cases will involve those complaints in which the complainant required medical assistance for their injuries. It is anticipated that prioritizing these cases will expedite the investigative process while ensuring that evidence is preserved and witnesses are contacted in a more timely manner. The intent of this classification is to resolve serious use of force cases within 180 days. Class II cases will include those complaints in which the complainant did not require medical care. These Class II cases and all other cases will be expected to close within 300 days. The 300 days goal was recommended in the 1997 Year End Report, adopted by the San José Police Department (SJPd) and was in place for data collection on January 1, 1999.

Illustration 5E: Complaints Classified and Completed

Time Period	Total Cases	Goal	Achieved Goal	%
Received between Jan. 1 - Dec. 31, 1999	383	Classify all complaints within 30 days	361	94%
Closed between Jan. 1 - Dec. 31, 1999	15	Complete UF Class I cases within 180 days	13	87%
Closed between Jan. 1 - Dec. 31, 1999	327	Complete all investigations within 300 days	319	98%

It is important that all investigations are completed timely; otherwise, several problems may arise from a prolonged investigation. These problems are: (1) important facts related to the incident may be forgotten, and a memory lapse by the witness may negatively affect the credibility of case; (2) witnesses may have moved, and the loss of an independent witness may leave the balance of the case resting on who are going to be believed, the complainant or the officer; and (3) the issue loses its urgency, and sometimes the complainant gets frustrated and no longer wishes to pursue the matter. As a result, the integrity of the complaint process is questioned and no one leaves satisfied.

Illustration 5E shows data for

classified and completed complaints. The number of classified complaints is based on cases **received** between January 1 and December 31, 1999. The completed complaints are counted as those cases **closed** between January 1 and December 31, 1999. This is the first year that the PSCU has uniformly met the goal of classifying and completing all cases within the specified time period. Illustration 5F through 5H, show a five year comparison of the time taken to classify and to complete all investigations. From 1995 through 1999, the PSCU has improved in classifying and completing all investigations timely. In classifying all complaints within 30 days, the PSCU has improved from 86% to 94%. In completion of UF Class I cases within 180 days, the PSCU

has improved from 22% to 87% of the goal. In completion of all cases within 300 days, the PSCU has improved from 85% to 98%. It should be noted that 1999 had the highest completion rate (98%) even though the goal was reduced from 365 days to the current 300 days.

New Investigative Goal that took effect in 1999

Beginning January 1, 1999 the goal to complete all investigations was reduced from 365 to 300 days. This goal was recommended in the 1997 Year End Report and adopted by the San José Police Department.

Illustration 5F: A Five Year View of Complaints Classified

Time Period	Total Cases	Goal	Achieved Goal	%
Received between Jan. 1 - Dec. 31, 1995	456	Classify all complaints within 30 days	392	86%
Received between Jan. 1 - Dec. 31, 1996	607	Classify all complaints within 30 days	526	87%
Received between Jan. 1 - Dec. 31, 1997	446	Classify all complaints within 30 days	403	90%
Received between Jan. 1 - Dec. 31, 1998	364	Classify all complaints within 30 days	341	94%
Received between Jan. 1 - Dec. 31, 1999	383	Classify all complaints within 30 days	361	94%

Illustration 5G: A Five Year View of Use of Force Class I Complaints Completed

Time Period	Total Cases	Goal	Achieved Goal	%
Closed between Jan. 1 - Dec. 31, 1995	N/A	Complete UF Class I cases within 180 days	N/A	N/A
Closed between Jan. 1 - Dec. 31, 1996	9	Complete UF Class I cases within 180 days	2	22%
Closed between Jan. 1 - Dec. 31, 1997	23	Complete UF Class I cases within 180 days	8	35%
Closed between Jan. 1 - Dec. 31, 1998	38	Complete UF Class I cases within 180 days	21	55%
Closed between Jan. 1 - Dec. 31, 1999	15	Complete UF Class I cases within 180 days	13	87%

Illustration 5H: A Five Year View of Complaints Completed

Time Period	Total Cases	Goal	Achieved Goal	%
Closed between Jan. 1 - Dec. 31, 1995	470	Complete all investigations within 365 days	399	85%
Closed between Jan. 1 - Dec. 31, 1996	570	Complete all investigations within 365 days	520	91%
Closed between Jan. 1 - Dec. 31, 1997	489	Complete all investigations within 365 days	420	86%
Closed between Jan. 1 - Dec. 31, 1998	454	Complete all investigations within 365 days	398	88%
Closed between Jan. 1 - Dec. 31, 1999	327	Complete all investigations within 300 days	319	98%